

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:21-cr-258
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
-vs-)	
)	
JOSHUA GLOWACKI,)	<u>MOTION FOR LEAVE TO FILE</u>
)	<u>REPLY INSTANTER</u>
Defendant.)	
)	

Now comes the Defendant, Joshua Glowacki, by and through undersigned counsel, Friedman & Nemecek, L.L.C., and hereby respectfully requests leave to file their Reply to the Government's Sur-Reply (R. 41: Sur-Reply, PageID 266-268).

During the recent pretrial hearing, the Government requested permission to file a Sur-Reply to clarify certain inaccurate statements set forth in Glowacki's initial Reply Brief. (R. 40: Defendant's Reply, PageID 253-265). The Court granted said request and directed the Government to file its Sur-Reply in a timely fashion. The Government filed its Sur-Reply on August 20, 2021. Within said pleading, the Government notes that Glowacki's Reply contained inaccurate factual statements to bolster the arguments in favor of suppression. (R. 41: Sur-Reply, PageID 267).

The undersigned submits that the Government's Sur-Reply misunderstands and/or mischaracterizes Glowacki's arguments and the evidence offered in support thereof. In the interests of ensuring that the Court's decision is predicated on a clear and accurate record, counsel believes that a brief Reply is both necessary and

warranted. As such, the undersigned respectfully moves this Court for leave to file a Reply to the Government's Sur-Reply (R. 41: Government's Sur-Reply, PageID 266-268), which is being submitted contemporaneously with this Motion, *Instanter*.

WHEREFORE, the Defendant, Joshua Glowacki, hereby respectfully requests that this Honorable Court grant leave and permit counsel to file Reply to the Government's Sur-Reply *Instanter*.

Respectfully submitted,

/s/ Eric C. Nemecek
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Leave was filed on the 26th day of August, 2021 via the Court's CM/ECF system, which will send a notification of electronic filing (NEF) to the following: Michael Sullivan, Assistant United States Attorney, 801 Superior Avenue, Cleveland, Ohio 44113.

/s/ Eric C. Nemecek
ERIC C. NEMECEK
Counsel for Defendant